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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,921	11/19/2001	Toni Paila	4208-4061	9368

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EXAMINER	
MEHRPOUR, NAGHMEH	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
09/26/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com
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Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/988,921	PAILA, TONI	
	Examiner	Art Unit	
	Naghmeh Mehrpour	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 15-37 and 47-50.
Claim(s) objected to: _____.
Claim(s) rejected: 1-14 and 38-46.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see the attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

NAGHMEH MEHRPOUR
PRIMARY EXAMINER

Response to Arguments

1. Applicant's arguments filed 8/8/07 have been fully considered but they are not persuasive.

In response to the applicant's argument that "*Paavonen fails to teach transmitting at least one of a digital audio or video broadcast service on a first channel and a second channel on which a service announcement identifying the service transmitted on the first channel is located*", and. *that channel X is simply is a channel on which a digital audio or video broadcast service is transmitted*", and *channel Y is a digital audio or video broadcast service*".

The Examiner asserts that when a calling radio unit MS desires to perform an SDM/EDM transmission, it sends on a normal control channel (which is not said data transmission channel) in a normal manner an RQC message, in which it requests permission to send data. After the radio system has made sure that the called party of the data transmission (e.g. another radio unit) is available, the system commands both parties of **the data transmission by a normal GO-TO-CHANNEL message (X channel) to said radio channel operating like a control channel for performing the data transmission on that data channel (Y channel)**. Several radio units may be allocated to the same data channel simultaneously, the accurate number of the radio units depending on the amount of data transmission. The call control CCC of the mobile exchange MX preferably controls the amount of radio units on the data channel in such a way that the effective transmission rate of the data channel per a radio unit does not decrease too low, e.g. below a predetermined threshold. FIG. 3 shows a

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signalling diagram illustrating an application of the present invention to a multisegment SDM/EDM transmission according to MPT1343, Section 14, between two radio units MS. At 1, a calling radio unit MS requests a SDM transmission by sending an RQC message on a normal control channel. The value of the field SLOTS of the RQC message is "11" indicating that three time slots of the channel are required for a HEAD message containing the first segment of the multisegment transmission (MST). After having received the RQC message, at 2, the fixed network (the MXs and BSs) sends the called radio unit MS on a normal control channel an AHY message in order to check the availability of the called radio unit MS. At 3, the called MS sends on the normal control channel an ACK message to the network as an acknowledgement of the AHY message. **After this the network commands the both radio units MS for a data session to go to a radio channel reserved for data transmission and operating like a control channel by sending them on the normal control channel a GO-TO-CHANNEL command containing the number of said data transmission channel.** After the radio units MS have gone to the data transmission channel, the network sends to the calling radio unit MS on the data channel an AHYC message, in which field DESC is set to state "100". After the termination of the data transmission the network sends in a GO-TO-CHANNEL message a command to MS to go back to the original control channel. It is also possible that MS is allowed to stay on the data channel operating like a call channel for a limited time after the termination of the data transmission in order to wait for a new data transmission, if the network knows that it is to be expected. FIG. 4 shows a signalling diagram illustrating to a multisegment

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SDM/EDM transmission according to MPT1343, Section 14, from the network to a radio telephone MS. At 21, the fixed network (the MXs and BSs) sends the radio unit MS on a normal control channel an AHY message in order to check the availability of the called radio unit MS. At 22, the called MS sends the network on the normal control channel an ACK message as an acknowledgement of the AHY message.

Subsequently, the network commands the radio unit MS to go to the radio channel reserved for data transmission and operating like a call channel, by sending a GO-TO-CHANNEL command containing the number of said channel on the normal control channel. Then, at 23 to 28, data is transmitted from the network to a radio telephone MS by a signalling similar to the signalling at 10 to 16 in FIG. 3. **After the termination of the data transmission, the network sends in a GO-TO-CHANNEL message a command to MS to go back to the original control channel.**



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